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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
 Sherman et al.) Before the Examiner
 Serial No. 10/690,451) James L. Swiger III
 Filed October 21, 2003)
 DYNAMIZABLE ORTHOPEDIC)
 IMPLANTS AND THEIR USE IN) Group Art Unit 3733
 TREATING BONE DEFECTS) January 11, 2007

RESPONSE TO NON-FINAL OFFICE ACTION

Mail Stop Amendment
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated August 11, 2006, Applicants respectfully request consideration of the accompanying remarks.

Fees sufficient for examination of 3 independent claims and 46 total claims have been remitted for this application. Following entry of this amendment, 3 independent claims and 53 total claims will be pending. Accordingly, fees in the amount of \$350 for examination of seven additional total claims are being filed herewith. In addition, a request for a two-month extension of time is being filed herewith, along with the required fee. Please charge any additional fees that may be due, or credit any overpayment, to Deposit Account No. 23-3030, not including any issue fees that are or may become due.

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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on | |
| 11 January 2007 | |
| Date of Deposit or Transmission | |
| CHRISTOPHER A. BROWN | |
| Name of Registered Representative | |
| Christopher A. Brown | |
| Signature | |

RESPONSE TO OFFICE ACTION
 Application Serial No.: 10/690,451
 Arty. Docket No. 4002-3274
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